

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GARY CRUZ et al,

Plaintiffs,

- against -

TD BANK, N.A.,

Defendant.
-----X

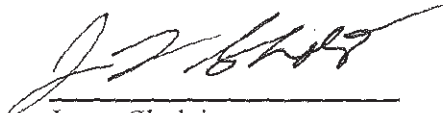
Case No.: 10-CV-8026 (PKC)

**DECLARATION OF JASON SBALCIO SUPPORTING
DEFENDANT'S OPPOSITION TO PLAINTIFFS' MOTION FOR LEAVE
TO FILE SECOND AMENDED COMPLAINT**

I, Jason Sbalcio, declare under penalty of perjury pursuant to U.S.C. §1746 as follows:

1. I am a Vice President at TD Bank, NA ("**TD Bank**"). I am familiar with the claims alleged in Plaintiffs' proposed Second Amended Complaint.
2. From the effective date of the Earned Income Protection Act ("**EIPA**"), TD Bank has programmed a status code on New York customer accounts to prevent fees or charges from being charged to New York customers' accounts as a result of restraints placed on the accounts by judgment creditors if the customers' account balances are under the EIPA threshold amount at the time of the restraint.
3. Since the effective date of EIPA, TD Bank has assessed \$2,098,934.81 in fees and charges as a result of restraints from judgment creditors in the state of New York on New York customer accounts with balances above the EIPA threshold amount; but, these fees and charges are only assessed on New York customers' account balances that exceed the protected EIPA threshold amount.

Dated: March 3, 2014



Jason Sbalcio